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Report of the Intergovernmental Group of Experts on Consumer Protection Law and Policy on its third session

Held at the Palais des Nations, Geneva, 9 and 10 July 2018

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I. Agreed conclusions adopted by the Intergovernmental Group of Experts on Consumer Protection Law and Policy at its third session

The Intergovernmental Group of Experts on Consumer Protection Law and Policy,

Recalling the resolution adopted by the Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices (Geneva, Switzerland, July 2015),[1]

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: The 2030 Agenda for Sustainable Development",

Recalling further General Assembly resolution 70/186 of 22 December 2015, entitled "Consumer protection", adopting the revised United Nations guidelines for consumer protection,

Recalling the provisions related to consumer protection issues adopted by the fourteenth session of the United Nations Conference on Trade and Development (Nairobi, July 2016), including the provisions in paragraph 76 (x) of the Nairobi Maafikiano,[2]

Recalling paragraph 69 of the Nairobi Maafikiano, which reaffirms that "fair, sound and robust national competition and consumer protection laws and policies are also important, as is international cooperation, information exchange and capacity-building in these areas, particularly in light of the expansion of global markets, the increasing role of transnational companies, the need for enhanced transparency and accountability, the information and communications technology revolution and the emergence of e-commerce",

Underlining that consumer protection law and policy is a key instrument for addressing unfair fraudulent and deceptive commercial practices in a globalized and interdependent world, including by enhancing the transparency and accountability of businesses, resource mobilization, the empowerment of consumers and poverty reduction and by promoting inclusive economic and social policies,

Recognizing that an effective enabling environment for consumer protection and development may include both national and international cooperation and enforcement to deal with unfair, fraudulent and deceptive cross-border commercial practices,

Recognizing the important work of UNCTAD on consumer protection law and policy so as to enhance its development role and benefits for consumers and businesses,

Welcoming the voluntary peer review on consumer protection law and policy of UNCTAD, as implemented by the consumer protection authorities of member States, as a tool for strengthening national legal and institutional frameworks and for fostering international cooperation in the field of consumer protection,

Welcoming the contribution of Peru to the work of the Intergovernmental Group of Experts on Consumer Protection Law and Policy in the form of a virtual catalogue of international best practices in consumer protection and competition,

Noting the important written and oral contributions from consumer protection authorities and other participants that enriched the debate during its third session,

Taking note with appreciation the documentation prepared by the UNCTAD secretariat for its third session,

[1] TD/RBP/CONF.8/11.

[2] TD/519/Add.2.

1. *Welcomes* the efforts of member States and other stakeholders in implementing the United Nations guidelines for consumer protection;

2. *Congratulates* Morocco for the first voluntary peer review on consumer protection law and policy and encourages interested member States to volunteer for future peer reviews on consumer protection law and policy, as implemented by their consumer protection authorities;

3. *Recognizes* the important role of relevant stakeholders, as appropriate, particularly with regard to inclusive consumer protection policies; welcomes the participation of consumer associations, civil society, business representatives and academia in the deliberations of the sessions of the Intergovernmental Group of Experts; and encourages these participants to present written papers and submissions in advance of the meetings of the Intergovernmental Group of Experts;

4. *Recognizes* that consumer protection in financial services and financial inclusion, namely through financial education, bears a significant positive impact on development, and welcomes the initiatives taken by UNCTAD, the Group of 20, other relevant organizations of the United Nations system and other international organizations and networks to strengthen consumer protection in financial services;

5. *Underlines* the importance of developing fair, effective, transparent and impartial mechanisms to address consumer complaints through administrative, judicial and alternative dispute resolution, including for cross-border cases; and encourages member States, consumer groups and businesses to join forces in providing consumers with expeditious, fair, transparent, inexpensive and accessible dispute resolution and redress;

6. *Emphasizes* the importance of strengthening consumer product safety frameworks at national, regional and international levels to protect consumers from hazards to their health and safety;

7. *Welcomes* the initiatives carried out by individual member States, UNCTAD and other organizations and networks in building capacity and strengthening institutions in the area of consumer protection, and calls upon all interested parties to work together and identify and strengthen synergies;

8. *Encourages* the continuation of the information-gathering process on the legal and institutional framework for consumer protection, including in particular the development of the UNCTAD world consumer protection map, and invites all member States to participate in its completion and update;

9. *Emphasizes* the importance of regional cooperation in the enforcement of consumer protection law and policy; invites consumer protection authorities to strengthen their bilateral, regional and international cooperation, in light of guidelines 79 to 94; and requests the UNCTAD secretariat to continue to explore, gather and promote best practices for international cooperation;

10. *Decides* to renew the mandate of the Working Group on Consumer Protection in E-commerce established by the Intergovernmental Group of Experts at its second session to focus on misleading and unfair business practices, consumer education and business guidance, and international cooperation in cross-border cases; and to recommend policy options for consumer protection authorities of member States, in light of guidelines 63 to 65, and to report to the fourth session of the Intergovernmental Group of Experts;

11. *Requests* the UNCTAD secretariat to include considerations regarding the protection of vulnerable and disadvantaged consumers in the upcoming virtual catalogue of international best practices in consumer protection and competition, and encourages member States to submit best practices to the UNCTAD virtual catalogue;

12. *Requests* the UNCTAD secretariat to convene a working group on consumer product safety to highlight best practices, to facilitate information exchange and consultations, and to continue the work from the third session, led and integrated by member States on a voluntary basis, without financial implications for the regular budget of the United Nations, and to report to the fourth session of the Intergovernmental Group of Experts;

13. *Requests* the UNCTAD secretariat, in accordance with guideline 97 (b), to prepare reports and studies as background documentation for the fourth session of the Intergovernmental Group of Experts on the following topic: The contribution of consumer protection to sustainable consumption in terms of how consumer protection authorities address environmental marketing claims, including consumer education and business guidance;

14. *Requests* the UNCTAD secretariat to present, at the fourth session of the Intergovernmental Group of Experts, an updated review of capacity-building and technical assistance in consumer protection law and policy;

15. *Requests* the UNCTAD secretariat to continue to build a list of contact persons of consumer protection authorities to facilitate cooperation under the United Nations guidelines for consumer protection, in accordance with guideline 87;

16. *Invites* member States to pursue consultations regarding the declaration of a United Nations international celebration of consumer protection;

17. *Notes with appreciation* the voluntary financial and other contributions received from member States; invites member States to continue to assist UNCTAD on a voluntary basis in its capacity-building and technical cooperation activities by providing experts, training facilities or financial resources; requests the UNCTAD secretariat to pursue capacity-building and technical cooperation activities, including training, and, where possible, to focus such activities on maximizing their impact in all interested countries; and encourages interested member States to continue their efforts in providing capacity-building and technical cooperation activities.

Closing plenary
10 July 2018

II. Chair's summary

A. Opening plenary

1. The third session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy was held at the Palais des Nations in Geneva, Switzerland, on 9 and 10 July 2018. Representatives of more than 70 countries and intergovernmental organizations, including government ministers and heads of consumer protection agencies, attended the high-level discussions.

2. In his opening remarks, the Secretary-General of UNCTAD said that no consumers should be left behind when trying to achieve economic development and that UNCTAD was committed to the achievement of the Sustainable Development Goals, including through consumer protection. The Intergovernmental Group of Experts was increasingly regarded as the world's most important meeting on consumer protection by Governments and other stakeholders, and it was delivering tangible outputs for member States. These included relevant discussions, for example, on financial services, dispute resolution and redress, and new tools for policy reform, such as voluntary peer reviews and a world consumer protection map. UNCTAD was fully engaged in upgrading the consumer protection frameworks of member States through regional technical assistance projects in Central and Western Africa, Latin America, the Middle East and Northern Africa, as well as a national project in Ethiopia. Further, Bhutan, Cambodia and Paraguay had recently requested such assistance from UNCTAD.

3. During the general debate, various delegations presented recent developments in consumer protection at the national level. Two delegates stated that sustainable development could not be achieved without the protection of vulnerable consumers.

4. One delegate proposed to strengthen the global visibility of consumer protection by declaring a consumer protection week by means of a resolution of the United Nations General Assembly.

5. In the keynote speech, an expert from the University of Nilai, Malaysia, described how consumer protection could contribute to the achievement of the Sustainable Development Goals. He emphasized the commonality of objectives and scope of the application of the 2030 Agenda for Sustainable Development and the United Nations guidelines for consumer protection, understanding the latter to be a subset of the former; both were mutually reinforcing. It was important that Sustainable Development Goal 16 on peace, justice and effective, accountable and inclusive institutions should focus on the civil justice system and legal empowerment of consumers. According to a recent study, consumer disputes were one of the main concerns of citizens, who expressed limited confidence in the judicial systems and courts. The speaker spoke in favour of higher quality control of consumer dispute resolution and redress as proposed by UNCTAD and called for a code of good practice on alternative forms of dispute resolution for consumers.

B. Consumer protection in financial services
(Agenda item 3 (a))

6. A panel discussion in relation to this agenda item provided member States and stakeholders with an opportunity to present and share initiatives taken in connection with consumer protection in financial services.

7. The panel was composed of the following experts: the Director of the Banking Conduct Supervision Department, Bank of Portugal; the Vice-President of Itaú Unibanco, Brazil; and the Manager of Policy and Research at the Competition Authority of Kenya.

8. Presenting the revised United Nations guidelines for consumer protection, the UNCTAD secretariat said that for the first time, the guidelines (66–68) had included a section on financial services. Issues of concern were financial literacy and inclusion, the protection of vulnerable and disadvantaged consumers of financial services, the role of financial regulators and consumer protection agencies, responsible business conduct, the security of online and mobile payments, and complaints handling and consumer redress.

9. One expert spoke from the perspective of a supervisory authority. She stated that a national financial consumer protection strategy included regulation, oversight, financial literacy and inclusion. In Portugal, for example, the Central Bank was the financial consumer protection authority, with rule-making, oversight and enforcement powers. All authorities with a prudential mandate in the financial sector were involved in a multi-agency institutional arrangement and were attributed consumer protection responsibilities. In Portugal, they were placed at the same hierarchical level to avoid conflicts of interest between consumer protection and prudential functions, with different lines of reporting. Some enforcement actions included mystery shopping and disclosure of gross annual nominal rates to ensure that users of financial services were not misled. Financial inclusion and literacy, including digital financial literacy, were important to empower consumers of digital financial services, enhance security in their use and raise awareness of the advantages and risks of digital financial products.

10. An expert from the banking sector highlighted the importance of fairness in handling consumer complaints. Since the bank he represented aimed to continue growing and remain popular among consumers, it worked to enhance its relationship with consumer protection agencies through exchanges in forums and meetings throughout the country. The bank did not systematically engage in pleas before the courts unless cases were flagrantly abusive. Since 2012, there had been 39 per cent less complaints received by local consumer protection authorities, and 47 per cent less lawsuits, enabling the bank to put people at the centre of its business model and to build relationships of trust for the past 10 years.

11. Another expert stressed the importance of financial inclusion through financial education. The main initiatives undertaken by the consumer protection authority in this field were, among others, to enforce disclosure requirements, in particular of terms and conditions, fees and charges, and to increase the capacities of bank employees. Other means of effective consumer rights enforcement in the financial sector were as follows: cooperating with regulators, foreign consumer agencies and international networks; reviewing laws and regulations; strengthening investigative procedures; raising awareness

among the business community and consumers; and providing consumer education. UNCTAD and other international organizations had made valuable contributions through research, analysis and capacity-building.

12. During the ensuing discussions, one expert provided information on what was considered a national priority in his country – the consumer protection framework for financial services. Another expert said that it was important to ensure disclosure and transparency, and to prosecute aggressive practices carried out by financial institutions. In addition, an authority with dual responsibilities for consumer protection and competition could address issues from both perspectives and exploit synergies. Self-regulation for financial institutions and consumers was equally important.

13. Various experts emphasized the importance of consumer education in financial services. One expert explained how financial education tailored for women had increased access to financial services and inclusion in her country, especially in rural areas. Another referred to the need for financial inclusion and education strategies to ensure consumer empowerment.

14. Some experts stressed the importance of ensuring effective consumer dispute resolution in financial services. One expert considered financial education in the digital economy to be the greatest challenge for consumer authorities today, suggesting that the Intergovernmental Group of Experts should focus on financial education.

C. Review of capacity-building in and technical assistance on consumer protection law and policy

(Agenda item 3 (b))

15. Introducing document TD/B/C.I/CPLP/14, the secretariat said that UNCTAD activities carried out since the second session of the Intergovernmental Group of Experts had focused on national and regional assistance in drafting competition and consumer protection laws and applying guidelines, in raising institutional capacity for better enforcement of such laws and advocacy activities aimed at creating a competition culture and promoting consumer welfare.

16. The following experts took part in the panel discussion: the Chair of the Consumer Protection Commission of the Common Market for Eastern and Southern Africa, an UNCTAD consultant and professor from the University of Quebec, and a principal adviser of the German Agency for International Cooperation Agency in Indonesia. They agreed on the important role UNCTAD was playing in implementing the United Nations guidelines for consumer protection at the national, regional and international levels. As a result, more and more member States were revising their consumer protection frameworks and using UNCTAD tools to upgrade their local capacities. Regional organizations such as the Association of Southeast Asian Nations, the Central African Economic and Monetary Community, and the Common Market for Eastern and Southern Africa had also undertaken policy revision and capacity-building activities on consumer protection, with the participation and support of UNCTAD.

D. Voluntary peer review of the consumer protection law and policy of Morocco

(Agenda item 3 (c))

17. Under this agenda item, the Intergovernmental Group of Experts carried out the first voluntary peer review on consumer protection law and policy, that of Morocco. The delegation of Morocco was headed by the Secretary of State to the Minister for Industry, Investment, Trade and Digital Economy, in charge of Foreign Trade. The peer reviewers were the Director General for Consumers of Portugal, the Deputy Director General at the Directorate-General for Economic Inspection of Belgium, and the Head of Consumer Protection at the Ministry of Economy and Trade of Lebanon.

18. The representative of Morocco presented the legal framework for consumer protection in that country, in particular Law No. 31-08 (2011), which listed the rights of consumers and established the presumption of favourability towards consumers.

19. Some 80 investigators from the Ministry of Industry, Investment, Trade and Digital Economy had been recruited to implement the law and prosecute practices that could be harmful to consumer rights. Some challenges faced by consumer protection authorities related to electronic commerce, misleading advertising and extracontractual damages. Enforcement action had currently taken the form of warnings rather than fines.

20. To strengthen investigators' capacities, the consumer protection authorities delivered training courses to civil servants from the Ministry of Industry, Investment, Trade and Digital Economy; the Ministry of the Interior; and the Ministry of Energy, Mines and Sustainable Development. Further, Morocco had launched an online portal to raise awareness of Law No. 31-08 and had received over 791 online complaints from consumers in 2017. Financial support for consumer associations had been deployed since 2016. Consumer protection authorities designed a national strategy and raised awareness among stakeholders through a national consumer day (15 March). The representative of Morocco commended the peer review experience and encouraged other countries to volunteer for future exercises.

21. The secretariat presented the framework for voluntary peer reviews on consumer protection law and policy as mandated by United Nations guideline 97 (c) and contained in document TD/B/C.I/CPLP/6. The framework covered experts assessment, ownership and impact. An UNCTAD consultant presented the peer review report of Morocco (UNCTAD/DITC/CPLP/2018/1), whose overview could be found in TD/B/C.I/CPLP/13. He outlined the legal and institutional framework for consumer protection of Morocco and presented the recommendations contained in the report. Morocco had a rich tradition of providing consumer protection throughout its history, and its current framework was well established and fully operational.

22. The main responsibility for consumer protection in Morocco lay with the Consumer Protection Branch of the Directorate General for Consumer Protection, Market Surveillance and Quality within the Ministry of Industry, Investment, Trade and Digital Economy, although other authorities also exercised power over consumer protection issues related to their area of competence. For example, the Ministry of the Interior and the judiciary were also responsible for the enforcement of Law No. 31-08, while sectoral regulators ensured consumer protection in their respective fields. The Directorate was engaged in formulating policy, implementing the aforementioned law, raising awareness, handling complaints, including through an online portal, and coordinating with stakeholders.

23. Consumer associations played a prominent role in policymaking and consumer education and information. The Ministry provided funds for consumer association federations in view of professionalizing their activities.

24. Finding of the report focused on the need to complete the implementation of Law No. 31-08 through regulatory development and a number of recommendations. These were as follows: issuing principles for unfair commercial practices, improving access to justice, deepening consumer protection in electronic commerce and reinforcing dispute resolution and redress. In addition, the report suggested that the Directorate be recognized as focal point within the consumer protection authorities and that its enforcement powers, capacities and public profile be strengthened. The Directorate should build its capacities and participate in international gatherings and networks to benefit from experience sharing.

25. During the question-and-answer session that followed, one expert asked about the mechanisms Morocco had in place to ensure policy coordination among public authorities in a horizontal policy such as consumer protection, and to ensure consumer participation in the policymaking process. The representative of Morocco replied that the Directorate was active in serving as the focal point for coordination among the 12 departments in different ministries that had interests in consumer protection. Morocco kept a fluid and open concertation approach to policy formulation, engaging consumer associations and business at different stages.

26. Another expert wished to know how activities regarding the enforcement of consumer protection law were prioritized and what role was played by consumer associations in Morocco. In reply, the representative of Morocco said that the Directorate had trained over 400 officers from the Ministry of the Interior to improve enforcement and had set up an electronic commerce surveillance unit, although it did not have powers to impose sanctions. In March 2018, Morocco had enacted a regulation facilitating the process for consumer associations to file complaints in favour of consumers before civil courts, which provided a good opportunity to strengthen the role of civil society in defending consumer rights.

27. One expert enquired about the challenges faced by consumers using electronic commerce in Morocco and how consumer dispute resolution and redress were provided. The country had experienced a significant increase of business-to-consumer electronic commerce and consumers faced new challenges that needed to be addressed. The Directorate's dedicated surveillance unit had carried out 300 control operations since 2016, issuing warning letters for businesses that did not comply with Law No. 31-08.

28. Two experts wished to know Morocco's stance towards international enforcement cooperation. In reply, the representative of Morocco indicated that his country would be interested in joining the International Consumer Protection and Enforcement Network, as Morocco received complaints from foreign consumers and wished to increase its participation in international networks.

29. Morocco benefited from the experience of peer reviewers and other delegates regarding areas for improvement. One delegation shared the key features of its country's recent legislation on consumer protection in electronic commerce, incorporating the United Nations guidelines for consumer protection and various recommendations of the Organization for Economic Cooperation and Development. Another delegation presented its new regime to regulate responsibility with regard to consumers of peer-to-peer digital platforms and the veracity of online reviews, and another delegation detailed its comprehensive policies for consumer financial education and policies to address consumer over-indebtedness. Other delegations shared their experiences regarding the independence of consumer associations, the improvement of dispute resolution and redress, and the development of regional frameworks for cross-border enforcement.

30. The UNCTAD secretariat outlined a tailor-made technical assistance project for the implementation of the peer review recommendations and invited other authorities and development partners to assist Morocco in improving policies, enhancing enforcement capacities and developing a consumer protection culture. As a result, two member States said they would be willing to undergo a voluntary peer review.

E. Dispute resolution and redress
(Agenda item 3 (d))

31. During a round-table discussion on the agenda item, panellists discussed the different avenues for providing dispute resolution and redress to consumers. The panel was composed of the following experts: the Minister of Justice of Brazil, the Director of the Consumer Protection Department of China, the Head of Unit of Consumer Enforcement and Redress at the Directorate General for Justice and Consumers of the European Commission, an international counsellor of consumer protection at the Federal Trade Commission of the United States of America, a judge from the Federal Justice and Territories Tribunal of Brazil, the Director and Head of Europe, Middle East and Africa of Global Public Policy at eBay, and a research fellow in law, justice and society from the University of Oxford.

32. Introducing document TD/B/C.I/CPLP/11, the secretariat said that the main means of dispute resolution and redress were enforcement, ombudspersons, alternative dispute resolution, online dispute resolution, business customer care and complaint functions. In addition, the secretariat presented policy options for member States implementing the United Nations guidelines for consumer protection section on this issue.

33. One panellist presented the decentralized legal and policy frameworks on consumer protection in Brazil. The Ministry of Justice was responsible for policy formulation and hosted the conciliation portal (consumidor.gov.br) for consumers to resolve disputes with businesses, yielding an 80 per cent resolution rate in an average of seven days. The Southern Common Market had recently approved the development of a regional platform inspired by that of Brazil, a step towards greater integration in the Common Market.

34. Another panellist described recent legal developments in consumer dispute resolution. The consumer protection law of China was amended in 2017, providing better interministerial coordination of digital matters, a market dominated by young consumers. A digital complaint-filing platform had received more than 254 million visits in 2017.

35. Yet another panellist explained the evolution of regional regulation of dispute resolution and redress, which had led in 2013 to the European Union directive on alternative dispute resolution and the regulation on online dispute resolution for consumer disputes. This allowed member States of the European Union to develop dispute resolution in line with their legal traditions, while providing consumers with a single online platform to resolve disputes with businesses in the European Union. In 2018, the European Commission launched the New Deal for Consumers initiative, which aimed to strengthen redress procedures, including collective ones, that had been already been submitted for enactment.

36. One panellist said that governmental redress was an efficient way to increase consumer welfare and build more competitive markets. In 2017, the Federal Trade Commission had used this option to return over $543 million in redress to consumers. The panellist called for concerted action at the international level to coordinate enforcement and investigations and to develop international partnerships. She also called for an update of legislative frameworks and confidentiality provisions, the deepening of international partnerships and increased capacities. She identified three stages of international cooperation: informal information sharing and assistance, complaint sharing and formal investigative assistance and information sharing.

37. Another panellist put dispute resolution and redress within the wider context of the consumer protection policy of Brazil, where the judicial redress system was based on small claims tribunals, specialized courts and federal courts. She spoke in favour of the expansion of mediation for consumer cases.

38. One panellist said that the company he represented had provided the first online dispute resolution mechanism, which currently handled millions of complaints yearly. Such a mechanism boosted trust in digital markets and allowed consumers to enjoy a larger choice, lower prices and businesses to access many more consumers throughout the world.

39. Another panellist presented some successful practices for providing consumer redress. As consumers faced significant time- and cost-related barriers in accessing the judicial system, it was advisable to develop out-of-court alternative dispute resolution systems. Consumers preferred hotlines to written procedures, and digital platforms were increasingly providing online chats for dispute resolution. Credit card suppliers and chargeback systems provided relief for consumers when faced with a dispute against a business, so they were well placed to provide dispute resolution.

40. The panellists suggested that UNCTAD should continue gathering information, provide intelligence on the issue and expand the policy recommendations contained in TD/B/C.I/CPLP/11 through a comparative study or a model law. Likewise, UNCTAD should build capacities and encourage the exchange of experiences among members to reach a common minimum standard of dispute resolution for consumers.

41. Several experts exchanged views on the nature of dispute resolution at the national and regional levels and shared lessons learned. The digital economy required better dispute resolution for consumers to trust electronic commerce, which also required making dispute resolution compulsory for businesses. Platforms should play a central role in developing best practices. Additionally, collective actions must be easily and widely available for consumers to receive redress in cases of massive breaches of consumer protection laws.

F. Report of the working groups on electronic commerce and on the protection of vulnerable and disadvantaged consumers, as well as on the latest developments in legal and institutional frameworks
(Agenda item 3 (e))

42. The secretariat presented the report of the working groups on electronic commerce and on the protection of vulnerable and disadvantaged consumers, established at the second session of the Intergovernmental Group of Experts. Both working groups aimed to highlight best practices, facilitate information exchange and consultations. The groups were led by member States on a voluntary basis and had met through teleconferences on various occasions since the last session of the Intergovernmental Group of Experts. The working group on consumer protection in electronic commerce identified three areas of work: misleading and unfair business practices, consumer education and business guidance, and international cooperation in cross-border cases. Further, the working group requested an extension of its mandate for another year to recommend policy options for consumer protection authorities, especially those of developing countries. The working group on the protection of vulnerable and disadvantaged consumers collected best practices concerning the issue, recognizing that there was no single definition of consumer vulnerability and that each national policy responded to the specific social and economic needs of consumers in each country. The working group proposed that the best practices compiled so far be incorporated in the UNCTAD virtual catalogue of international best practices in competition and consumer protection.

43. The secretariat presented a new tool for sharing information on the legal and institutional frameworks for consumer protection: the world consumer protection map, available at https://unctadwcpm.org/ (accessed 18 July 2018). UNCTAD had received 110 designations of official contact points pursuant to United Nations guideline 87. The contact points were invited to answer an online questionnaire, whose results were displayed in the form of a map, responding to various filters, charts and a compilation of the 40 responses received to date. The secretariat called upon those member States who had not yet completed the questionnaire to do so, in order to provide a more comprehensive picture of the current state of consumer protection in the world. One delegation said that the project was a tangible output of the Intergovernmental Group of Experts that placed UNCTAD at the forefront of global benchmarking on consumer protection.

44. Presenting the virtual catalogue of international best practices in consumer protection and competition, the secretariat said that the project was designed to be an interactive tool for exchanges among member States. The information would be fed by national authorities and the site, administered by UNCTAD. The project was developed and donated by the National Institute for the Defence of Free Competition and the Protection of Intellectual Property of Peru, commonly known by its Spanish acronym INDECOPI. The delegate from Peru presented the pilot project containing best practices from 12 member States and called on all delegations to feed the information into the catalogue.

G. Consumer product safety
(Agenda item 3 (f))

45. Introducing the agenda item, the secretariat presented the background document (TD/B/C.I/CPLP/12), which explored various global consumer product safety issues and provided information about existing initiatives at the regional and global levels to address consumer product safety.

46. A panel discussion was held on the agenda item. The panel was composed of the following experts: the State Secretary for Consumer Protection of Germany, the Director of International Programmes and Intergovernmental Affairs at the Consumer Product Safety Commission of the United States, the National Director for Consumer Protection of Argentina, a consumer policy analyst from the Organization for Economic Cooperation and Development, and an advocacy manager at Consumers International.

47. One expert pointed to the new dimensions of product safety that had emerged with the advent of digitalization, specifically with respect to the Internet of things and artificial intelligence, which posed privacy and safety risks for consumers. He called for businesses to invest in digital security and for a revision of the sales law to increase contractual obligations for businesses in this regard. Germany was negotiating a new cybersecurity law to allow manufacturers to issue voluntary notifications and was setting up a committee on data ethics to assess the need for new regulations.

48. Another expert emphasized the importance of information sharing and international cooperation to prevent incidents when hazards were known. Product safety was a key factor in sustainable development, considering its societal costs and the impact of product-related injuries or even deaths on per capita gross domestic product per year, in both developing and developed countries. Accountability and transparency, stakeholder engagement in policymaking, evidence-based policymaking and tracking of consumer injuries to better assess risks and protect consumers were important principles to bear in mind. Although some data might only be relevant in a specific context, international data collection was indispensable. To this end, he proposed the establishment of a working group on consumer product safety under the auspices of UNCTAD, which was endorsed by another expert. He also called for the development of a new database; and the linkage of existing databases.

49. One expert said that it was necessary to coordinate and consolidate existing alert systems, such as the Rapid Information Exchange System (European Union), the Global Recalls portal (Organization for Economic Cooperation and Development) and the Inter-American Rapid Alerts System (Organization of American States), which aimed to ensure interoperability. He proposed that UNCTAD facilitate coordination and establish minimum standards. He noted that consumer education and information were key to preventing risks and injuries and that food safety and the safety of international tourists were significant challenges to be addressed in the future.

50. Another expert described recent efforts to measure and maximize the effectiveness of product recalls, including reframing recall notices, awareness-raising campaigns, discussions on connected devices and engagement with electronic commerce platforms. The Organization for Economic Cooperation and Development had undertaken a review of the relevant instruments it had at its disposal for which contributions of UNCTAD member States were welcome. Further, the Global Recalls portal would soon become automatized, making it easier to link national and regional portals.

51. One expert presented the findings of a survey on consumer attitudes. About 75 per cent of responses had been gathered from developing countries. The lower the income of a country, the least likely it was to have adequate legislation on product safety. Further, 13 per cent of the respondents said that the legislation in their respective countries worked well. Compulsory coercive action in the event that a product was found to be unsafe had its shortcomings, and public information about potentially unsafe products was limited. He recommended strengthening regulations and enforcement, empowering consumers and improving coordination and cooperation. He reiterated the need for UNCTAD to set up a task force or working group on these matters.

52. Several delegations agreed on the positive role that UNCTAD, as the focal point within the United Nations on consumer protection, could play in facilitating the coordination of efforts at the national, regional and international levels. Others observed that consumer product safety was a major challenge for developing countries.

H. Closing plenary

53. Following inconclusive informal consultations, one delegation withdrew its proposal for a draft resolution on a declaration on world consumer protection week to be submitted for the consideration of the General Assembly, and there was consensus among the experts that further consultations on the issue would be necessary.

54. One delegation, endorsed by another, requested that a follow-up report on the implementation of the actionable agreed conclusions of the session be prepared and submitted by the secretariat as a background document for the next session of the Intergovernmental Group of Experts.

III. Organizational matters

A. Election of officers
(Agenda item 1)

55. At its opening plenary session, on 9 July 2018, the Intergovernmental Group of Experts elected Ms. Charlotte Wezi Malonda (Malawi) as its Chair and Ms. Anina Del Castillo (Dominican Republic) as its Vice-Chair-cum-Rapporteur.

B. Adoption of the agenda and organization of work
(Agenda item 2)

56. Also at its opening plenary, the Intergovernmental Group of Experts adopted the provisional agenda contained in document TD/B/C.I/CPLP/10, as follows:

1. Election of officers;

2. Adoption of the agenda and organization of work;

3. (a) Consumer protection in financial services;

(b) Review of capacity-building in and technical assistance on consumer protection law and policy;

(c) Voluntary peer review of the consumer protection law and policy of Morocco;

(d) Dispute resolution and redress;

(e) Report of the working groups on electronic commerce and on the protection of vulnerable and disadvantaged consumers, as well as on the latest developments in legal and institutional frameworks;

(f) Consumer product safety;

4. Provisional agenda for the fourth session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy;

5. Adoption of the report of the Intergovernmental Group of Experts on Consumer Protection Law and Policy.

C. Provisional agenda for the fourth session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy
(Agenda item 4)

57. At its closing plenary, on 10 July 2018, the Intergovernmental Group of Experts approved the provisional agenda for its third session (annex I).

D. Adoption of the report of the Intergovernmental Group of Experts on Consumer Protection Law and Policy
(Agenda item 5)

58. Also at its closing plenary, the Intergovernmental Group of Experts authorized the Vice-Chair-cum-Rapporteur to finalize the report after the conclusion of the session.

Annex I

Provisional agenda for the fourth session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy

1. Election of officers
2. Adoption of the agenda and organization of work
3. Report on the working groups on consumer protection in e-commerce and on consumer product safety
4. Update on the implementation of the actionable agreed conclusions of the third session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy
5. Contribution of consumer protection to sustainable consumption
6. Latest developments in legal and institutional frameworks and world consumer protection map
7. Voluntary peer review on consumer protection law and policy
8. Review of capacity-building and technical assistance
9. Provisional agenda for the fifth session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy
10. Adoption of the report of the fourth session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy

Annex II

Attendance*

1. Representatives of the following States members of UNCTAD attended the session:

Algeria
Argentina
Armenia
Belarus
Belgium
Bhutan
Botswana
Brazil
Bulgaria
Burkina Faso
Cambodia
Chad
Chile
China
Colombia
Congo
Costa Rica
Croatia
Democratic Republic of the Congo
Dominican Republic
Egypt
El Salvador
Eswatini
Finland
France
Georgia
Germany
Guatemala
Hungary
India
Iraq
Ireland
Italy
Jordan
Kazakhstan
Kenya
Kuwait
Lao People's Democratic Republic
Latvia
Lebanon
Malawi
Mauritius
Mexico
Morocco
Myanmar
Namibia
Nepal
Netherlands
Nigeria
Oman
Pakistan
Panama
Peru
Portugal
Qatar
Republic of Korea
Russian Federation
Saudi Arabia
Senegal
Seychelles
South Africa
Spain
Suriname
Sweden
Switzerland
Tunisia
Turkey
Uganda
United Kingdom of Great Britain and Northern Ireland
United Republic of Tanzania
United States of America
Viet Nam
Zambia
Zimbabwe

2. Representatives of the following members of the Conference attended the session:

Holy See
State of Palestine

3. The following intergovernmental organizations were represented at the session:

African, Caribbean and Pacific Group of States
Common Market for Eastern and Southern Africa
Economic Community of West African States
Economic and Monetary Community of Central African States
Eurasian Economic Commission
European Union
League of Arab States

* This list contains registered participants. For the final list of participants, see TD/B/C.I/CPLP/INF.3.

Organization for Economic Cooperation and Development
Organization of Eastern Caribbean States
Organization of Islamic Cooperation
West African Economic and Monetary Union

4. The following United Nations organs, bodies and programmes were represented at the session:

Economic Commission for Europe
Economic and Social Commission for Western Asia
United Nations Conference on Trade and Development
United Nations Office on Drugs and Crime

5. The following non-governmental organizations were represented at the session:

General category

Consumer Unity and Trust Society International
Consumers International
Global Traders Conference
International Chamber of Commerce
International Law Association
International Organization for Standardization